

July 9, 2018

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT

Public Hearing and action on Resolution authorizing execution of documents necessary to release portions of two sewer easements and one water easement, as well as the entirety of one sewer easement and three water easements, all located at 13351 SE 32nd Street (Factoria Recycling Transfer Station), that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such partial releases and full releases being deemed in the best interest of the public.

FISCAL IMPACT

Declaring these easements surplus has no fiscal impact to the City because the property owner will be required to grant replacement easements as a condition of their development project.

STAFF CONTACTS

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Civic Services Department

Linda De Boldt, Assistant Director of Engineering, 452-4625
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Utilities Department

POLICY CONSIDERATION

Bellevue City Code/State Law:

- Under Bellevue City Code 4.32.070 and RCW 35.94.040, the City can dispose of Utilities-owned real property interests, including release of permanent easements, determining by resolution that the property in question is surplus to the City's needs and is not required for providing continued public utility service. Under the same provisions, at a separate City Council meeting, the Council can approve the release following a public hearing.

City Procedure:

- The City has a procedure in place for releasing or modifying easements. An easement may be released, upon approval by Council, if the easement is no longer needed, there is no foreseeable future need for the easement and, if applicable, the City has obtained any needed replacement easements.

BACKGROUND

On June 4, the City Council approved Resolution 9414 declaring portions of two sewer easements and one water easement, as well as the entirety of one sewer easement and three water easements as surplus to the City's needs and no longer required for providing continued public utility service. The next step in this process is for Council to hold a public hearing to allow public comment opportunity regarding the

proposed release of the subject easements. Following the public hearing, staff requests Council action on the proposed Resolution authorizing the partial and full releases of the subject easements.

The history and extent of the seven easements in question is detailed below.

Sewer Easements:

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| 1962 | Sewer easement with King County Recording Number 5499059 was granted to Eastgate Sewer District. (Exhibit A1). |
| 1963 | Sewer easement with King County Recording Number 5545542 was granted to Eastgate Sewer District. (Exhibit A2). |
| 1994 | City of Bellevue assumed Eastgate Sewer District including all assets, real property and easements. |
| 1996 | King County granted another sewer easement to City of Bellevue bearing King County Recording Number 9612311739. (Exhibit A3). |

Water Easements:

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|-------------|---|
| 1974 – 1975 | Water easements were granted to the City of Bellevue and were filed under King County Recording Numbers 7605130536, 7605130539, 7605130541 and 7609030497. (Exhibit A4 and A5). |
|-------------|---|

Utilities Department staff has reviewed the easement release request and confirmed that identified portions of the sewer easements bearing recording numbers 5545542 and 9612311739, portions of the water easement bearing recording number 7605130536, and the entirety of the sewer easement bearing recording number 5499059 and the entirety of the water easements bearing recording numbers 7605130539, 7605130541 and 7609030497 are no longer needed. The water main and a portion of the sewer main located within this property have been removed and these easements are no longer needed by the City of Bellevue. As a condition of their development permit, new easements will be granted by King County for the locations of the new water and sewer mains on the property. Therefore, staff recommends authorizing the following:

- Partial release of sewer easements with recording numbers 5545542 and 9612311739.
- Full release of sewer easement with recording number 5499059.
- Partial release of water easement with recording number 7605130536.
- Full release of water easements with recording numbers 7605130539, 7605130541, and 7609030497.

This public hearing was advertised in the newspaper of record and notices were sent to the property owners within 500-foot radius of the property with the subject easement.

EFFECTIVE DATE

If approved, this Resolution becomes effective immediately upon Council adoption.

OPTIONS

1. Hold the public hearing and adopt the Resolution authorizing execution of documents necessary to release portions of two sewer easements and one water easement, as well as the entirety of one sewer easement and three water easements, all located at 13351 SE 32nd Street (Factoria Recycling Transfer Station), that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such partial releases and full releases being deemed in the best interest of the public.
2. Hold the public hearing, do not adopt the Resolution, and provide alternative direction to staff.

RECOMMENDATION

Option 1

MOTIONS

Move to open the public hearing.

Move to adopt Resolution No. 9433 authorizing execution of documents necessary to release portions of two sewer easements and one water easement, as well as the entirety of one sewer easement and three water easements, all located at 13351 SE 32nd Street (Factoria Recycling Transfer Station), that have been declared surplus to the City's needs and are no longer required for providing continued public utility service; the granting and recording of such partial releases and full releases being deemed in the best interest of the public.

ATTACHMENTS

- A. Easement Exhibit Map A1-A5
 - B. Vicinity Map
- Proposed Resolution No. 9433

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

- A. Copy of proposed release easement documents
- B. Copy of proposed new easement documents